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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,940	12/29/2000	Hong Cai	JP-1999-0279US (8728-464)	9013
7590	10/18/2004		EXAMINER	
Frank Chau, Esq. F. CHAU & ASSOCIATES, LLP 1900 Hempstead Turnpike, Suite 501 East Meadow, NY 11554			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/750,940	CAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Douglas B Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 July 2004.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6,8 and 9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6,8 and 9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Though the specification submitted by the applicant in response to the non-final office action corrects some grammatical errors, it still contains numerous statements that do not make sense. For example, page 11, lines 5-8, page 12, lines 1-8, page 13, lines 11-14, page 13, line 16-18, and page 14, lines 8-9. It is suggested that the applicant actually **read** the specification, making sure that it makes sense, before submitting it.
2. The substitute abstract is accepted by the examiner.

### ***Request for Information***

3. The applicant has failed to comply with the previous request for information. The applicant supplied a URL that leads to a non-English language site and said that all information which is known and readily available to the parties from which it was requested has been provided. This information that the applicant used to make Table 1 of the specification is not readily available. Therefore the request for information is still required as follows.
4. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

All information that the applicant possesses pertaining to LISP/6A mentioned on line 15 of page 4 of this application is requested.

5. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

6. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 5-6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Number 6,585,778 to Hind et al..

9. As to claim 1, Hind teaches a pluggable service delivery platform for supporting many devices requesting many services in an e-business application, comprising: a device-platform interface, for accepting device requests issued by devices wherein said requests are in a

representation mode which is adapted for the devices, transforming the devices requests into XML requests and then sending the XML requests to a platform kernel section via HTTP protocol, and transforming XML responses which are returned by the platform kernel section into the representation mode (col. 7, lines 19-50), said device platform interface comprising: a common transcoding section , for transcoding between the representation mode and XML (col. 7, lines 19-50); and device dependent component, the device dependent component comprising devices type and transmitting protocol information (col. 7, lines 19-50); a service platform interface, for abstracting service requirements of the services as a common base, providing an adapter for each of the services based on the service requirements, the adapter for transforming between service responses issued by the services and the XML responses (col. 8, lines 38-57); and a platform kernel section , for managing user information, device information and services information, providing one of a synchronized and an asynchronous service engine, providing interfaces with modules in the platform kernel section , and transferring the XML requests and the XML responses among the modules and between services and devices (col. 8, line 58-col. 9, lines 35).

10. As to claim 2, Hind teaches a pluggable service delivery platform according to claim 1 wherein said platform kernel section further comprises three layers: a run-time layer, an administration layer, and a development layer; run-time layer, the administration layer and the development layer are associated via platform API; the run-time layer provides on-line information access, the administration layer is responsible for adding and deleting the user information, the device information and the service information, and the development layer provides support to new services and new devices (col. 9, line 36-col. 10, line 19).

11. As to claim 3, Hind teaches a pluggable service delivery platform according to claim 1, wherein said platform kernel section further comprises at least: a service engine, a profile manager, a billing interface, and a platform run-status manager (col. 10, lines 5-19).

12. As to claim 5, Hind teaches a pluggable service delivery platform according to claim 3, wherein a profile manager is used for managing user information, services information and device information (col. 10, lines 5-19).

13. As to claim 6, Hind teaches a pluggable service delivery platform according to claim 1, wherein said device-platform interface provides a corresponding gateway for each kind of device, for transforming an information representation in XML into a file format which is adapted for various devices for displaying and transforming among communication protocol based on a script language of various devices stored in a profile (col. 7, lines 19-50).

14. As to claim 8, Hind teaches a pluggable service delivery platform according to claim 1, wherein a new kind of device can be incorporated by adding a gateway in the device platform interface and adding an item in a profile without changing service system at background (col. 9, line 36-col. 10, line 19).

15. As to claim 9, Hind teaches a pluggable service delivery platform according to claim 1, wherein a new kind of service can be incorporated by adding an adapter in a service platform interface and adding an item in said service profile without modifying the programs (col. 9, line 36-col. 10, line 19).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,585,778 to Hind et al..

17. As to claims 3 and 5, the applicant states that the claimed components can be replaced by third party products on page 12, lines 9-16 of the applicant's specification. If such products are available for purchase then they are well known and obvious to use, especially in the vague context claimed by the applicant.

18. As to claim 4, Hind does not explicitly teach the use of a queue.

Official notice is taken that the use of a queue is well known in the computer networking art for handling service requests (The applicant's specification does nothing more than state that there is a queue and provides no details about the queue.).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the applicant's invention to combine the teachings of Hind regarding the use of XML with a queue for handling requests because a queue is a common way to handle a multitude of requests.

#### *Response to Arguments*

19. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

20. The applicant's admission that transcoding was well known at the time of the applicant's invention is sufficient to overcome the 112 1<sup>st</sup> rejection.

21. The applicant's arguments regarding the drawing objections have overcome the drawing objections.

22. The applicant's arguments regarding the Requests for Information are insufficient and the Request for Information must be addressed for the reasons discussed above.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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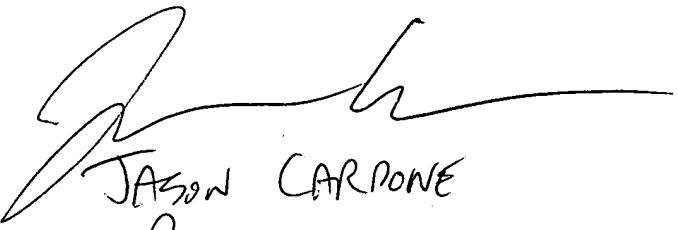
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB

  
JASON CARBONE  
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